

**MINUTE BOOK 24, PAGE 133  
CITY OF STATESVILLE COUNCIL MEETING – February 21, 2011  
IREDELL COUNTY GOVERNMENT CENTER – 7:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

**Council Present:** Gregory, J. Johnson, Eisele, Huggins, Stallard, Matthews, Steele

**Council Absent:** M. Johnson

**Staff Present:** Fugett, Hites, Gaines, Davis, Triplett, Currier, Ashley, Pressley, Miglin, Smyth, Bullins

**Media Present:** Jim McNally – Statesville Record & Landmark  
Dave Veiser – Charlotte Observer

**Visitors:** 33

**Call to Order**

**Invocation**

The invocation was given by the City Clerk.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Girl Scout Troop #10558.

**Public Comment**

Mayor Kutteh explained during the second meeting of each month, citizens are invited to speak about matters not on the current agenda. Mayor Kutteh asked if there was anyone present who wished to address the Council.

Anthony Turmon, 802 E. Front St. stated he was the newly elected chair of Weed & Seed and was looking forward to working with City Council.

**Consent Agenda**

Mayor Kutteh stated all items on the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

Mayor Kutteh read the Consent Agenda as follows:

- A. Approve the minutes of the Council meeting of January 13, 2011.**
- B. Approval to accept Assistance to Firefighters Grant from the Department of Homeland Security. The total amount awarded is \$2,700 with a 10% City match of \$270.**
- C. Approve BA# 28 to reserve the GS Statesville Green Land, LLC donation that is to assist the City in acquiring property and/or constructing an emergency service center outside of the boundary of the Larkin Project, yet located in an area to service the Larkin Project.**
- D. Statesville Housing Authority to present the application for acceptance of the proposed use of 2011-2012 HOME Grant funds.**
- E. To approve proposed adjustments to Statesville / Iredell Gang Initiative (SIGI) budget and to forward Grant Adjustment Notice to the Governor's Crime Commission.**
- F. To continue funding for two traffic safety officers through the North Carolina Governor's Highway Safety Program (GHSP). Also request that Sgt. Joshua Gibson be able to represent the City as the Program Director.**

- G. **Request permission to pursue a grant through the Office of Juvenile Justice & Delinquency Prevention (OJJDP), which will address gangs and violence for youth ages 17 and younger, and to allow Daniel Miglin to represent the City of Statesville in the management of the grant if awarded.**
- H. **Make a formal request that the City of Statesville be an official co-sponsor of the 2011 Piedmont Healthcare Friday After Five Summer Concert Series, providing in-kind services.**
- I. **Approval of community "Brand".**

**Council member Steele made a motion to approve the Consent Agenda, seconded by Council member Gregory. The motion carried unanimously.**

Mayor Kutteh recognized Boy Scout Troop 360 at Western Avenue Baptist who were sitting in the audience.

## **REGULAR BUSINESS**

**Conduct a public hearing and consider passing first reading of TA11-01 filed by the City of Statesville to amend Article 3 Zoning, Table 3-1: Use Table, Article 5 Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, Article 6 Development Standards, Section 6.07 Sign Regulations and Article 7 Alternate Development Patterns, Section 7.02 Architecturally Integrated Cluster Subdivision.**

David Currier stated the following changes to the text in the Unified Development Code are for minor corrections and clarifications. Article 3 Zoning, Table 3-1: Use Table allows Car wash, hand wash by right in the CB/H-115 District. These types of car washes were allowed in the old zoning ordinance. Section 5.04, Z. Dwellings, Planned Multi-Family Developments is to fix typos. Section 6.07 Signs, the definition of monument needed to be consistent throughout the code and Section 7, Architecturally Integrated Cluster Subdivisions, B. 3., which requires a 10 foot separation needs to be corrected because of a conflict with Article 6, K. Easements. The Planning Board's recommendation was favorable as presented with a unanimous vote.

Mayor Kutteh declared the public hearing open. There were no speakers for or against the item. Mayor Kutteh declared the public hearing closed.

**Council member Stallard made a motion to approve first reading of TA11-01, seconded by Council member Eisele. The motion carried unanimously.**

**Consider approving application COA10-17 filed by Mr. Quan Tran, for demolishing the property located at 629 S Race Street; Tax Map 4734-82-7662.**

David Currier stated the house located at 629 S Race Street was constructed in 1905 and is a contributing structure in the South Race Street Historic District. The house does not meet minimum housing code; therefore could be removed via G.S. 160A-426. Over the last couple months there have been numerous complaints about the structure. Eric Fox, Code Enforcement Officer, estimated the repair cost at 32,000. The value of the house is 30,030.

The Historic Preservation Commission heard the case at the December 2010 meeting and tabled the request to allow an HPC member (Jonathan Dearman), staff (Alison Adams and Eric Fox) and the applicant (William Motley, Contractor and Mr. Quan Tran, Property Owner) to meet to discuss saving the structure.

The meeting occurred on December 30, 2010. The following options were discussed: 1) relocating the house, 2) donating the house and land, 3) repair the house and 4) demolish the house. In summary of the meeting, the applicant wants to keep the land to possibly rebuild once the market improves; therefore donating the house and land is out of the question. The cost to repair the house versus the fair market value of the home is not ideal. Relocating a house that has structural failure in the flooring and piers is not ideal nor is there enough room to move the house from the location where it sits. Mr. Tran would like to demolish the structure due to the overall cost to fix the structure versus building a new one. When demolishing the structure any material that can be reused will be salvaged. The Statesville Historic Preservation Commission at their January 28, 2011 meeting recommended approval (6 – 2) in favor of the

applicant's request to demolish the structure located at 629 S Race Street based on guidelines 2 through 6.

Council member Steele asked where the applicant would store any salvageable material. Mr. Currier stated it must be stored off-site and the site must be graded, seeded, and straw put down for grass growth.

Council member Stallard suggested imposing a time period to demolish if approved. Council member discussed what type of new structure could be built on the property. Mayor Kutteh asked if Council could require the applicant to have a site plan of what he is going to reconstruct even though he is not going to build at this time. Mr. Currier stated Council could require that, and it is definitely required by the Historic Preservation Commission who would look at the site plan, layout and the architectural details. Council member Matthews asked if a multi-family unit could be built on the site. Mr. Currier stated due to the size of the lot the applicant would not be able to do that.

**Council member J. Johnson made a motion to approve COA-17 with the condition that demolition be completed within 90 days, seconded by Council member Stallard. The motion carried unanimously.**

**Consider approving Special Use Permit #SP11-01 for Martin Marietta Materials, Inc. for the Property Located at 155 Quarry Road; Tax Maps 4735-22-6709 and 4735-02-6026 pt.**

**Mayor Kutteh swore in all who anticipated testifying.**

Sherry Ashley stated these parcels are two of several owned by Martin Marietta and are intended to be used for their mining operation. The parcel containing the mining pit where blasting occurs is located on the larger parcel and the smaller parcel is where Martin Marietta proposes the majority of the improvements. The smaller tract was annexed into the city back in September of 2009. Both parcels are zoned HI CU (Heavy Industrial Conditional Use District) and have conditions attached to them. As part of the rezoning process a conceptual plan was submitted that outlined the specific improvements and their locations on the site.

Mr. Paxton Badham on behalf of Martin Marietta is requesting a special use permit to allow construction of a new office and scales, employee building, maintenance building and fuel containment on the eastern half of the property and to construct a non-crushing secondary plant and stockpiles of materials on the western half of the property. The site plan matches the conceptual plan with the exception of some minor changes such as: the placement of the employee building and maintenance building which are closer to the middle of the property, the size of the office has been reduced from 40' x 60' to 22' x 41', a covered fuel/oil tank and containment structure has been added, the conveyor and stockpile locations have been re-arranged. The two parcels together make up approximately 142.396 acres and quarries are allowed with a Special Use Permit in the HI District provided the supplemental requirements of Section 2.10 and 5.05 are met in addition to the other applicable zoning requirements. The attached site plan, letter and reports include the layout of the site and information regarding lighting, sound, and vibration.

In regards to Section 2.10, the proposed site and improvements are more than 500 ft. from any residentially zoned property. There is a rental house across Quarry Road on the Martha Donaldson property however it is zoned B-2. The site has direct access to a major thoroughfare, Wilkesboro Highway 115 from Quarry Road. The site is not located within a water supply area and does not impede the normal flow of stream or watercourse as proposed. The new structures and stockpiles will meet the 50 ft. requirement measured from the property lines once the two parcels are combined. A six foot chain link fence will be installed around the perimeter of the property and tie in with the existing fence. The perimeter of the property is wooded with the exception of installing a berm and buffer along the east side of the property. Martin Marietta proposes to maintain most of the existing vegetation along Quarry Road with the exception of openings for access.

As per Section 5.05 Performance Standards in regards to Light, Sound and Vibration must also be met. A certified letter from Mr. Brian North, registered PE is attached stating that they will not exceed the lighting, sound and vibration limits.

In regards to sound levels according to the report from Stewart Acoustical Consultants indicated that the occurrences where 65 dBA were exceeded by the quarry use were along the road in which the trucks come in and out of the quarry. However, the 65 dBH is only applicable when the property is adjacent to residentially zoned property.

The Technical Review Committee reviewed and approved the site plan on January 5, 2011 contingent upon: receiving a load panel schedule, riser diagram and building profiles before release for construction, confirmation of floor drain before release of construction, location of meter and backflow before release of construction, lots must be combined to meet setbacks on the west side of the property for the conveyor and wash screen, copies of sealed drainage calculations, copy of mining permit and environmental approvals before release of construction and new construction must be within 600 feet of a fire hydrant. In addition, the site plan complies with the conditions of the rezoning. Staff's recommendation is favorable contingent upon the conditions and corrections referenced above. The Planning Board's recommendation is favorable contingent upon the conditions and corrections referenced above with a unanimous vote.

Paxton Badham representing Martin Marietta stated they simply need a new plant. The current one is inefficient and out of date. Plans are to move the plant to the west side of the property which would allow them to build a new plant which would be quieter, more efficient and produce more rock in fewer hours.

Mayor Kutteh asked if anyone wished to speak for or against this item. There were no speakers.

Council member Steele with regards to the application for Special Use Permit #SP11-01 by Martin Marietta Materials, Inc., moved that the Council make the following findings of fact:

1. That the use being proposed is not located within five hundred (500) feet of property zoned for residential purposes.
2. That the use proposed will have direct access to a major thoroughfare.
3. That the use proposed is outside a water supply area.
4. That the use proposed will not impede the normal flow of streams or water courses.
5. That the use proposed does not involve the location of any structure or storage units within fifty (50) feet of any property line.
6. That the use proposed meets the performance standards of Section 5.05 of the City Code with regards to outdoor lighting, sounds, and vibrations.
7. The proposed use shall not endanger, damage, or have undesirable effects on adjoining property.

Council member Steele further moved that the application for Special Use Permit SP11-01 by Martin Marietta Materials, Inc. be granted with the following additional requirement:

1. Conditions required by the Technical Review Committee.

Motion was seconded by Council member J. Johnson. The motion carried unanimously.

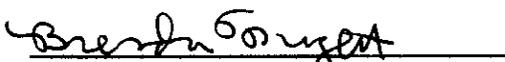
There being no further business to come before Council, Council member Steele made a motion to adjourn, seconded by Council member Gregory. The motion carried unanimously.



Mayor



ATTEST:

  
City Clerk